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2:32 pm, Jul 08 2021

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY _____ Deputy

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**IN THE MATTER OF THE AFFIDAVIT IN
SUPPORT OF A SEARCH WARRANT
AUTHORIZING A DNA SAMPLE
COLLECTION FROM TYSHAWN
COLEMAN**

Case No. 1:21-mj-1873 TMD

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR A SEARCH WARRANT**

I, David Olschewske, a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), being duly sworn, depose and state as follows:

INTRODUCTION

1. The ATF and Baltimore City Police Department (“BPD”) have been investigating Tyshawn COLEMAN for a violation of 18 U.S.C. § 922(g) (possession of a firearm by a prohibited person). This affidavit is being submitted in support of an application for a search warrant pursuant to Federal Rule of Criminal Procedure 41 to obtain samples of Deoxyribonucleic Acid (“DNA”) for comparison purposes in the form saliva from Tyshawn COLEMAN, a man born in 1993, assigned a Social Security number ending in 5909, and assigned an FBI number ending in 6HD6. A photograph of COLEMAN is attached as Attachment A. COLEMAN is currently on pretrial release with a last known address of 3223 Belmont Ave. Baltimore, MD 21216. The warrant would authorize members of the ATF, or their authorized representatives, to obtain DNA contained within saliva samples from COLEMAN, as described in Attachment B.

2. I submit this affidavit for the limited purpose of securing the requested warrant. I have not included details of every aspect of this investigation to date. Rather, I have set forth only those facts that I believe are necessary to establish probable cause supporting the warrant. I have

not, however, intentionally omitted information that would tend to defeat a determination of probable cause.

3. I believe that probable cause exists that COLEMAN possessed a firearm in violation of 18 U.S.C. § 922(g) on October 12, 2020. Therefore, I respectfully request that this Court find probable cause that evidence of the criminal violation is contained in the form of DNA in saliva in the possession of COLEMAN.

AFFIANT BACKGROUND

4. I am a Task Force Officer with the ATF and have been so assigned since January 2020. I am currently assigned to the Baltimore Field Division, Group VI, a group charged with investigating controlled substance and firearm violations. As a Task Force Officer, I have assisted in investigations involving violations of federal firearms and controlled substance laws as well as investigations involving violent crimes. Accordingly, I have received specialized training regarding or have personally participated in, various types of investigative activities, including, but not limited to, the following: (a) the execution of search warrants; (b) the consensual monitoring and recording of conversations; and (c) the handling and maintenance of evidence.

5. I am also a sworn member with the Maryland Transportation Authority Police, where I have worked for the last 17 years. For the last 10 years, I have served as a Detective in the Special Operations Division/Criminal Investigations Unit where I have been the affiant on and participated in the execution of numerous state and federal search and seizure and arrest warrants, conducted hundreds of hours of surveillance that have resulted in the arrest and prosecution of violators of the Maryland Annotated Code, and made or participated in hundreds of arrests for various violations of the same. I have worked in both tactical plainclothes and undercover capacities during these investigations. I attended and graduated from formal Police and

Investigation training at the Maryland Transportation Police Academy in 2004. Since this time, I have attended over 315 hours of outsource training in several areas related to criminal and narcotics investigations, narcotics trafficking, distributors, money laundering, seizure of evidence and the conduct of investigations.

6. I am familiar with firearm and narcotic statutes, and the methods employed by those who perpetrate these acts. I know based on my training, knowledge, and experience that DNA can be found on items such as clothing and firearms and can be compared to a sample of DNA from a known person. This comparison can help identify or eliminate suspects. I further know that the BPD Forensics lab will not test firearms for the presence of DNA (or do any subsequent comparison) without a standard to which it can be compared.

PROBABLE CAUSE

7. At approximately 2:00 PM on October 12, 2020, BPD detectives were conducting proactive enforcement in the area of 3000 Normount Ct. This area is known for a high level of CDS transactions and related violence.

8. Individuals noticed the detectives in their marked patrol vehicle and began yelling "twelve." The detectives know through their training and experience that this is a code word used to alert others to police presence. A man later identified as COLEMAN also noticed the detectives and began to run. As he ran, COLEMAN held the front of his waistband area with both hands. The detectives knew this to be a characteristic of an armed person. Individuals who carry firearms often carry them un-holstered which requires them to hold the weapon in place while running. The detectives believed COLEMAN was armed and began pursuing him.

9. The detectives briefly lost sight of COLEMAN when he entered a vacant backyard. He then reemerged and began to run again. The detectives stopped COLEMAN and returned to

the vacant backyard. There, they recovered a Smith & Wesson 9mm handgun with an obliterated serial number. A magazine with six 9mm cartridges was next to the handgun. The detectives then placed COLEMAN under arrest and transported him to the station.

10. At the station, COLEMAN waived his *Miranda* rights and admitted that he was carrying the handgun for protection. Although the detectives did not show the handgun to COLEMAN, he was able to accurately describe the caliber and color of the gun.

11. The firearm was test-fired at the BPD Firearms lab and expelled a projectile by the action of an explosive, and therefore qualifies as a firearm under 18 U.S.C. § 921(a)(3). The obliterated serial number was restored and determined to be FCH1935. The firearm was not manufactured in Maryland and subsequently recovered during COLEMAN's arrest in Maryland, and therefore affected interstate commerce.

12. Prior to the events set forth in this affidavit, COLEMAN was convicted of Possession with the Intent to Distribute/Manufacture Narcotics by the Circuit Court for Baltimore City and sentenced to ten years of incarceration, and is therefore prohibited from possessing a firearm. Moreover, he should be aware, given this sentence, that he had been convicted of a crime that carries a punishment of over a year in prison.

13. The BPD Forensics lab swabbed and analyzed the handgun for DNA. The swabs cannot be forwarded for DNA analysis until a standard for a suspect is obtained and a comparison is requested.

DNA AUTHORIZATION REQUEST

14. Based on my training and experience, I believe that COLEMAN's DNA will be on the firearm recovered during his arrest. A known a sample of his DNA is required to test and compare any and all DNA recovered. Accordingly, I am requesting authorization for a warrant to

obtain samples of DNA for comparison purposes in the form of saliva from COLEMAN to compare to the swabs taken from the firearm that I believe was possessed by COLEMAN in violation of 18 U.S.C. § 922(g), felon in possession of a firearm.

15. Further, I respectfully request that the Court issue a warrant authorizing members of the ATF, or their authorized representatives, including but not limited to other law enforcement agents, to obtain DNA samples from COLEMAN so that the DNA sample may be compared to the swabs taken from evidence recovered in this case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DAVID OLSCHEWSKE Digital signature of DAVID OLSCHEWSKE (Affiliate)
(Affiliate) Date: 2021.06.18 07:00:18 -04'00'

Task Force Officer David Olschewske
Bureau of Alcohol, Tobacco, Firearms and Explosives

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) this 22 day of June 2021.



The Honorable Thomas M. DiGirolamo
United States Magistrate Judge

ATTACHMENT A

Photograph of Person to be Searched

Tyshawn COLEMAN

YOB: 1993

Social Security number ending in 5909

FBI number ending in 6HD6

Currently residing at: 3223 Belmont Ave. Baltimore, MD 21216



ATTACHMENT B

Description of Items to be Seized

Buccal (oral) swabs of the inside of COLEMAN's mouth limited to the extent where sufficient samples of DNA are obtained.